

FITZGERALD KNAIER LLP
Kenneth M. Fitzgerald, Esq. (SBN: 142505)
kfitzgerald@fitzgeraldknaier.com
David M. Beckwith, Esq. (SBN: 125130)
dbeckwith@fitzgeraldknaier.com
Keith M. Cochran, Esq. (SBN: 254346)
kcochran@fitzgeraldknaier.com
402 West Broadway, Suite 1400
San Diego, California 92101
Tel: (619) 241-4810
Fax: (619) 955-5318

WARREN LEX LLP
Matthew S. Warren, Esq. (SBN: 230565)
16-463@cases.warrenlex.com
Patrick M. Shields, Esq. (SBN: 204739)
16-463@cases.warrenlex.com
2261 Market Street, No. 606
San Francisco, California 94114
Tel: (415) 895-2940
Fax: (415) 895-2964

Attorneys for Plaintiff and Counter Defendant, Viasat, Inc.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Viasat, Inc.,
a Delaware corporation,

Plaintiff
and Counter Defendant,

v.

Acacia Communications, Inc.,
a Delaware corporation,

Defendant
and Counter Claimant,

) Case No.: 3:16-cv-00463-BEN-JMA

)

) **Opposition of Plaintiff and Counter-**

) **Defendant Viasat, Inc. to Ex Parte**

) **Application to Continue Final Pretrial**

) **Conference and Related Deadlines**

)

) Dist. Judge: Hon. Roger T. Benitez

) Hon. Magistrate Jan M. Adler

)

) Case Initiated: January 21, 2016

)

)

Plaintiff and Counter-Defendant Viasat, Inc. (“Viasat”) hereby opposes the *Ex Parte* Application To Continue Final Pretrial Conference and Related Deadlines of Defendant and Counter-Claimant Acacia Communications, Inc. (“Acacia”), Docket No. 181.

5 Acacia has failed to show good cause for delaying the Final Pretrial
6 Conference and related deadlines. This case has been pending since January 21,
7 2016, and is now ready for trial. The parties have already exchanged pretrial
8 disclosures not once, but twice. Docket Nos. 163, 167, 182, 183. When the Court
9 granted Acacia’s last *ex parte* application seeking to delay this matter, Docket No.
10 161, the Court noted that “No further continuances will be granted without good
11 cause.” Docket No. 168. While Acacia argues that resolution of various pending
12 motions may affect the parties’ pretrial preparations, that alone is not good cause for
13 further delay.

14 Viasat therefore respectfully requests that the Court deny Acacia's *Ex Parte*
15 Application to Continue the Upcoming Final Pretrial Conference and Related
16 Deadlines. If the Court does grant Acacia's *Ex Parte* Application, Viasat requests
17 that the Court hold a case management conference on or before August 6, the
18 current date of the Final Pretrial Conference, to discuss the timing and logistics of
19 what Viasat expects to be at least a three-week jury trial.

21 | Dated: July 10, 2018 Respectfully Submitted,

23 Matthew S. Warren
24 Patrick M. Shields
25 Erika H. Warren
26 WARREN LEX LLP
27 2261 Market Street, No. 606
San Francisco, California, 94114

s/ Kenneth M. Fitzgerald
Kenneth M. Fitzgerald
David Beckwith
Keith M. Cochran
FITZGERALD KNAIER LLP
402 West Broadway, Suite 1400
San Diego, California, 92101

28 | *Attorneys for Plaintiff and Counter-Defendant Viasat, Inc.*

1 **CERTIFICATE OF SERVICE**

2 I certify that today I am causing to be served the foregoing document by
3 CM/ECF notice of electronic filing upon the parties and counsel registered as
4 CM/ECF Users. I further certify that, to the extent they are not registered
5 CM/ECF Users, I am causing the foregoing document to be served by electronic
6 means via email upon counsel for Acacia Communications, Inc., per the agreement
7 of counsel.

8

9 Dated: July 10, 2018

s/ Kenneth M. Fitzgerald

10 Kenneth M. Fitzgerald, Esq.

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28